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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,672	11/18/2003	Osamu Yamashita	WN-2622	2304

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EXAMINER	
SHEDRICK, CHARLES TERRELL	
ART UNIT	**PAPER NUMBER**
2687	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/714,672	YAMASHITA ET AL.	
	Examiner	Art Unit	
	Charles Shedrick	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in **United Kingdom** on **March 28 2003**. It is noted, however, that applicant has not filed a certified copy of the **0226980** application as required by 35 U.S.C. 119(b). The copy submitted, **DE 10314 694.6** does not match.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,5,8-11,13,14,17,18 are rejected under 35 U.S.C. 102(b) as being anticipated by **Ramesh et al. WO 02/37889 A1**

Consider **claim 1**, Ramesh et al. clearly discloses a method of network acquisition for a cellular communication device **100** (**Figure 1**) comprising determining a most suitable cell **12** (**Figure 1**)(i.e., Channel allocation) based on a characteristic of signals (i.e., power measurements) received from a plurality of cells **12** (**Figure 1**)(**pg.5 lines 1-5**), the signal from each cell being provided over a band of frequencies, and the said determination comprising the steps of taking a series of measurements of the said characteristics for each frequency so as to obtain an average value (**pg. 8 lines 20-21**), wherein each measurement in the said series is taken for all of the frequencies in the said band before the next measurement in the series is taken, and

the said series of measurements on each frequency are equally spaced and serve to provide equal intervals there between for further processing of signals from network cells or reception and processing of signals from cells of another network (**pg. 3 lines 1-25**)

Consider **claim 2** and **as applied to claim 1 above**, Ramesh et al. clearly discloses a method wherein the said characteristic comprises signal strength (i.e., power measurements)(**pg. 3 lines 1-5**).

Consider **claim 4** and **as applied to claim 1 above**, Ramesh et al. clearly discloses a method wherein the said series measurements comprises a series of five measurements (**pg. 3 lines 18-22**).

Consider **claim** 5 and **as applied to claim 1 above**, Ramesh et al. clearly discloses a method wherein the said equal intervals are each in the order of 0.5 second (i.e., the power measure intervals are chosen to minimize the amount of time needed. The intervals can be fixed so that other measurements are interleaved in equally spaced fixed predetermined intervals such as 0.5 seconds (**pg. 9 line 25 – pg. 10 line 2 and pg. 11 lines 1 –5**).

Consider **claim 8** and **as applied to claim 1 above,** Ramesh et al. clearly discloses a method for use with a single mode cellular communications device **100** (**Figure 1**) in which second stage (i.e., next repetition) search operations are conducted during the said equal intervals (i.e., The measurement periods are interleaved) (**pg. 3 lines 5-8**).

Consider **claim 9** and **as applied to claim 8 above,** Ramesh et al. clearly discloses a method wherein the said second stage (i.e., next repetition) operations are conducted are

conducted on cells found to have high signal strength after initial measurement (i.e., the decision block determines whether to repeat the power measurements on each carries) (**pg. 13 lines 7-12**).

Consider **claim 10**, Ramesh et al. clearly discloses a cellular communications device **100** (**Figure 1**) including a means for determining a most suitable cell **12** (**Figure 1**)(i.e., Channel allocation) based on a characteristic of signals (i.e., power measurements) received from a plurality of cells **12** (**Figure 1**)(**pg.5 lines 1-5**), the signal from each cell being provided over a band of frequencies, the said means for determining comprising means for taking a series of measurements of the said characteristics for each frequency so as to obtain an average value (**pg. 8 lines 20-21**), wherein each measurement in the said series is taken for all of the frequencies in the said band before the next measurement in the series is taken, and the said series of measurements on each frequency are equally spaced and serve to provide equal intervals there between for further processing of signals from network cells or reception and processing of signals from cells of another network (**pg. 3 lines 1-25**).

Consider **claim 11** and **as applied to claim 10 above**, Ramesh et al. clearly discloses a device wherein the said characteristic comprises signal strength (i.e., power measurements)(**pg. 3 lines 1-5**).

Consider **claim 13** and **as applied to claim 10 above**, Ramesh et al. clearly discloses a device wherein the said series measurements comprise a series of five measurements (**pg. 3 lines 18-22**).

Consider **claim 14** and **as applied to claim 10 above**, Ramesh et al. clearly discloses a device wherein the said equal intervals are each in the order of 0.5 second (i.e., the power measure intervals are chosen to minimize the amount of time needed. The intervals can be fixed

so that other measurements are interleaved in equally spaced fixed predetermined intervals such as 0.5 seconds (**pg. 9 line 25 – pg. 10 line 2 and pg. 11 lines 1 –5**).

Consider **claim 17** and **as applied to claim 10 above,** Ramesh et al. clearly discloses a device for use with a single mode cellular communications device **100** (**Figure 1**) in which second stage (i.e., next repetition) search operations are conducted during the said equal intervals (i.e., The measurement periods are interleaved) (**pg. 3 lines 5-8**).

Consider **claim 18** and **as applied to claim 17 above,** Ramesh et al. clearly discloses a device wherein the said second stage (i.e., next repetition) operations are conducted are conducted on cells found to have high signal strength after initial measurement (i.e., the decision block determines whether to repeat the power measurements on each carries) (**pg. 13 lines 7-12**).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims **3** and **12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ramesh et al. WO 02/37889 A1** in view of **Cooper Pub No. US 2004/0203745 A1**

Consider **claims 3** and **12** and as applied to **claims 1** and **10 above**, Ramesh et al. Clearly discloses the claimed invention. However, Ramesh et al. does not clearly disclose characteristics that are derived from signal strength.

In the same field of endeavor, Cooper discloses a method and device **2** (i.e., Mobile station) (**Figure 1**) wherein said characteristic comprises a derivative of signal strength (i.e., Signal to Noise Ratio) (**page 2 paragraph 0011**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention made by Ramesh et al. to include other characteristic measurements as taught by Cooper for the purpose of improving the network acquisitioning.

Claims 6,7,15, and **16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ramesh et al. WO 02/37889 A1** in view of **Dorsey et al., Pub No. US 2004/0224684 A1**

Consider **claim 6** and **15** and **as applied to claims 1 and 10 above**. Ramesh et al. clearly discloses the claimed invention. However, Ramesh et al. does not disclose dual mode operation wherein a search of a radio access technology according to a second mode is conducted during the said equal intervals.

In the same field of endeavor, Dorsey et al. clearly show a method arranged for at least a dual Mode (i.e., GSM and UMTS per the 3GPP specification will search the HPMLN in all RAT that the phones are capable of operation)(**paragraph 0002**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a Dual Mode phone capable of searching HPLMN of both RATs based on priority as taught by Dorsey et al. in the invention of Ramesh et al. so that the multi-Mode mobile phones could interleave the second mode searches during the normal search operations as taught by Ramesh et al. Using a dual mode phone one can take advantage of the interleaved measurements and make more efficient use of the cellular phone in various areas.

Consider **claim 7** and **16** and **as applied to claims 6 and 15 above,** Ramesh et al. clearly discloses the claimed invention.

However, Ramesh et al. does not disclose a method and device wherein one radio access technology comprises GSM and a second radio access technology comprises UMTS.

In the same field of endeavor, Dorsey et al. discloses a method and device wherein one radio access technology comprises GSM and a second radio access technology comprises UMTS (i.e., per the 3GPP specification) **(paragraph 0002)**.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use GSM and UMTS modes for the Dual Mode phones as taught by

Dorsey et al. in the invention of Ramesh et al. for the purpose of diversifying technologies and wireless area coverage.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Shedrick
Art Unit 2687
August 10, 2005

RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
8/12/05